

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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KRYSTAL M. SUCHOWSKI,

Plaintiff,

v.

Case No. 17-cv-1615-pp

NANCY BERRYHILL,

Acting Commissioner of Social Security,

Defendant.

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**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT  
PREPAYMENT OF THE FILING FEE (DKT. NO. 3)**

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On November 20, 2017, the plaintiff filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No.1. The plaintiff also filed a motion for leave to proceed without prepayment of the filing fee. Dkt. No. 3. Before allowing a plaintiff to proceed without prepaying the filing fee, the court first must decide whether the plaintiff has the ability to pay the filing fee, and if not, must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

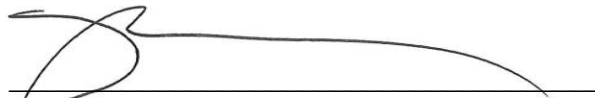
Based on the facts presented in the plaintiff's affidavit, the court concludes that the plaintiff has the ability to pay the filing fee. The plaintiff indicates that she and her husband have a combined take-home income of \$3,200 per month. Dkt. No. 3 at 2. Although the plaintiff lists monthly expenses of \$3,005, almost \$700 of that consists of credit card payments. Id.

The affidavit also states that the plaintiff and her husband own their home (with \$6,000 in equity), have two cars worth a total of approximately \$10,000, \$500 in a bank account, and have \$26,000 in a 401k. *Id.* at 3-4. The plaintiff indicates that everything the family makes goes back out in expenses, including bills, “unexpected emergencies,” and “pet care.” But the couple has much more income than the usual Social Security appeal plaintiff, and their income exceeds their expenses. The court concludes from that information that the plaintiff has demonstrated that she can pay the \$350 filing fee and \$50 administrative fee, and is ineligible to proceed *in forma pauperis*.

The court **DENIES** the plaintiff’s motion for leave to appeal *in forma pauperis*. Dkt. No. 3. The court **ORDERS** that the plaintiff must pay the \$350 statutory filing fee and the \$50 administrative fee within ninety (90) days of the date of this order—that is, by **Monday, March 12, 2018**. If the clerk’s office does not receive the filing fee by that time, the court will dismiss the case without further notice or hearing. If the plaintiff needs additional time to pay the fee, she must—before the deadline—file a motion requesting an extension.

Dated in Milwaukee, Wisconsin this 12th day of December, 2017.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**United States District Judge**